THE BOMBAY PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS ACT, 1947 (BOM. LXII OF 1947).

G. N., R. D., No. 7031/45, dated 31st July 1948 (B. G., Pt. IV-B, p. 615).

S. 37 Bombay Prevention of Fragmentation and Consolidation of Holdings Rules, 1948.

Amended by G. N., R. D., No. 7031/45, dated 18th April 1950.

In exercise of the powers conferred by section 37 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the Government of Bombay is pleased to make the following rules :—

1. These rules may called the Bombay Prevention of Fragmentation and Consolidation of Holdings Rules, 1948.

2. In these rules, unless there is anything repugnant to the subject or context,—

(*a*) " Act " means the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

(*b*) " Form " means a form appended to these rules.

(*c*) " Section " means a section of the Act.

(*d*) Words and expressions used in these rules, but not defined, shall have the meanings assigned to them in the Act.

3. After a notification under section 4 (*2*) or section 5 (*3*) is published in the *Official Gazette*, the Collector shall cause the contents thereof to be published by affixing translations of the same for three months at the Taluka Kacheri of the taluka concerned in the regional language of the taluka and at the Chavdi or other prominent place in each of the villages concerned in the regional language of such village.

4. In villages where there is no Record of Rights, the entry of all fragments shall be made as required by sub-section (*1*) of section 6 in the following form :—

Serial No.	S. No. or name of field.	Inam.			Area.	Ordinary or special Assessment and Judi.	Sub-Division No.	Area.
		Class and how long continuable.	No. in Landed Alienation Register and tenure and decision, if any.	Serial No.				
1	2	3(*a*)	3(*b*)	3(*c*)	4	5	6	7

Assessment.	Judi or Special or N. A. assessment payable.	Occupant of Khalsa Land or Holder of alienated land.	Nature and origin of title.	Other rights or encumbrances with names of right holder or encumbrancer.	References to Mutation Diary.	Remarks.
8	9	10	11	12	13	14

5. After a notification under section 15 is published in the *Official Gazette*, the Collector shall cause the contents thereof to be published by beat of drum in each of the villages concerned and by affixing translations of the same at the Taluka Kacheri of the taluka concerned in the regional language of the taluka and at the Chavdi or other prominent place in each of the villages concerned in the regional language of such village.

6. After such publication the Consolidation Officer shall visit each of the villages concerned after giving reasonable notice to the holders in such villages and shall in consultation with the Village Panchayat where one exists, or with the Village Committee specially chosen for this purpose by the Mamlatdar or Mahalkari, proceed to prepare a scheme for the consolidation of holdings. Every such scheme shall contain the following particulars :—

(*i*) A map of the village showing all the existing survey numbers and their sub-divisions and recognised roads, cart-tracks and foot-paths and areas assigned for public purposes such as burial grounds, grazing areas, or threshing floor.

(*ii*) Another village map which shall be a copy of the one mentioned in (*i*) but exhibiting in red lines or other markings how the original position will be altered after the consolidation scheme becomes operative.

(*iii*) A statement showing the names of the owners of holdings with particulars of Survey No., Hissa No., Class of land, tenure, area, assessment and encumbrances, if any (after getting the Record of Rights up-to-date).

(*iv*) A statement showing the names of the occupants or holders to whom the new consolidated holdings are allotted with particulars of Survey No., Hissa No., class of land, tenure, area, assessment and encumbrances, if any.

(*v*) A statement of valuation of lands to be exchanged showing the compensation to be given or recovered from the holders concerned.

(*vi*) A list of fragments which will be left after the consolidation scheme has been prepared and the names of owners of such fragments.

(*vii*) A brief statement as to the action, if any, taken in pursuance of sections 17 and 18.

(*viii*) A statement showing the objections and suggestions in respect of the scheme made to the Consolidation Officer by the Village Panchayat or the Village Committee, as the case may be, which were not accepted by him, together with the reasons for which they have been overruled by him.

(*ix*) Such other particulars as may be required by the Settlement Commissioner in this behalf.

7. The draft scheme of consolidation prepared under section 15, together with the maps, statements, lists, and particulars mentioned in rule 6, shall be published by the Consolidation Officer by affixing copies of the same for thirty days at the Taluka Kacheri of the taluka concerned in the regional language of the taluka and at the Chavdi or other prominent place in each of the villages concerned in the regional language of such village. It shall also be announced in each such village by beat of drum that the scheme has been so published and that objections, if any, should be submitted to the Consolidation Officer within thirty days.

8. After the scheme as confirmed is published in the *Official Gazette* under sub-section (*1*) of section 21, the Consolidation Officer shall cause it to be published by affixing copies of the same at the Taluka Kacheri of the taluka concerned in

the regional language of the taluka and at the Chavdi or other prominent place in each of the village concerned in the regional language of such village. It shall also be announced in each such village by beat of drum that the scheme has been so published.

9. Eviction of any person from any land under sub-section (2) of section 21 shall be made by the Consolidation Officer in the following manner by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land and if such notice is not obeyed by removing or deputing a subordinate to remove any person who may refuse to vacate the same.

10. The amount of compensation to be deposited by any owner under sub-section (3) of section 21 shall be deposited by him in the nearest Treasury and a copy of the chalan in token of credit shall be produced by him before the Consolidation Officer.

11. The right in a holding shall be reallotted by the Consolidation Officer under sub-section (4) of section 21 in the following manner :—

The Consolidation Officer shall announce in the village concerned through the village officers and by beat of drum and also by affixing a notice in the regional language of the village at the Chavdi or other prominent place in the village, the fact of the default committed by the person to whom the holding was allotted and of its availability for reallotment and invite applications stating the value at which the applicants may wish it to be allotted to them. After considering these applications, the Consolidation Officer shall reallot the holding to the highest bidder provided that where two or more applicants offer the same bids, the holding may, at the discretion of the Consolidation Officer, be reallotted to him whose application was received first or who owns the adjoining holding or holdings and cultivates them pesonally.

12. The certificate of transfer under section 24 (1) shall be given by the Consolidation Officer in Form A or Form B, as the case may require.

13. The period for making an application for possession under section 26 (2) (b) shall be twenty-one days from the date of the proclamation in the village by the Consolidation Officer under the said section.

14. In transferring a lease, mortgage, debt, or other encumbrance under section 29 (1), the Consolidation Officer shall observe the following rules, namely:—

(i) Where the new holding is of the same market value as the original one, the whole of the encumbrances attaching to the latter shall be transferred to the former.

(ii) If the new holding is of a substantially greater market value than the original, one, the lease and other encumbrances attaching to the latter shall be transferred to the former subject to the condition that the lessee shall pay to the owner such reasonable rent in respect of the new holding as might be fixed by the Consolidation Officer and that the mortgagee and other creditors will agree to such reasonable reduction in the rate of interest as may be fixed by the Consolidation Officer having regard to the substantially better security provided by the new holding.

15. In cases where a lessee, mortgagee or other encumbrancer appears to the Consolidation Officer to be entitled to possession of a holding under section 29 (*3*), the Consolidation Officer shall issue a notice to the owner to show cause within fifteen days why the lessee, mortgagee or other encumbrancer, as the case may be, should not be put into possession of his holding. If the owner fails to show cause or if the Consolidation Officer is satisfied that the cause shown by the owner is not adequate, he shall put the lessee, mortgagee or other encumbrancer, as the case may be, into possession of the holding and get the Record of Rights in respect of the holding corrected accordingly.

16. (1) All applications for permission to transfer a consolidated holding shall be made to the Collector.

(2) The transfer of a holding may be permitted by the Collector subject to the condition that the owner shall first offer it in succession and at the price fixed by the Collector to (*i*) the tenant of the holding or his heirs, (*ii*) the owner of the adjoining holding provided he cultivates it personally or to the tenant of the adjoining holding ; and (*iii*) such *bona fide* cultivators in the village as have insufficient land of their own for their maintenance.

17. The draft variation of a scheme under section 32 (*1*) shall be published by affixing copies of the same for thirty days at the Taluka Kacheri of the taluka concerned in the regional language of the taluka and at the Chavdi or other prominent place in each of the village concerned in the regional language of such village. It shall also be announced in each such village by beat of drum that the variation of the scheme has been so published and that objections, if any, should be submitted to the Consolidation Officer within thirty days.

18. In accordance with a scheme of consolidation, the Record of Rights shall be corrected in the manner laid down in Chapter XV of the Land Revenue Rules (1921).

FORM A.

(*See* rule 11.)

THE BOMBAY PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS ACT, 1947.

Certificate of transfer ganted by the Consolidation Officer under section 24 (1) of the Act.

Whereas under the scheme for the consolidation of holdings in village....., taluka....., district....., which has been confirmed by the Settlement Commissioner/ State Government and which has been published at pages..... of Part..... of the *Bombay Government Gazette* dated..... under Government Notification, Revenue Department, No..... .....dated ..... as required by section 21 (*1*) of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the holding described in the Schedule hereto annexed has been allotted to you :

Now, this is to certify that the said holding has been transferred to you, Mr.....resident of village..... ....., taluka....., district....., in pursuance of the said scheme.

Schedule.

S. No. and name of field, if any.	Hissa No.	Area.	Assessment.	Tenure.	Encumbrances and restrictions on rights, if any.

In witness whereof the Consolidation Officer has hereto set his hand and the seal of his office this.....day of..... .....19.....

Seal.

Consolidation Officer.

FORM B.

(*See* rule 11.)

THE BOMBAY PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS ACT, 1947.

Certificate of transfer granted by the Consolidation Officer under section 24 (1) read with section 21 (4) of the Act.

Whereas under the scheme for the consolidation of holdings in village..... ....., taluka....., district..... ....., which has been confirmed by the Settlement Commissioner/State Government and which has been published at pages.....of Part.....of the *Bombay Government Gazette* dated..... ....., under Government Notification, Revenue Department, No....., dated..... ....., as required by the section 21 (*1*) of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the holding described in the Schedule hereto annexed was allotted to Mr.....resident of village..... ....., taluka....., district..... .....; and

Whereas the said Mr.....has failed to deposit the compensation recoverable from him as required by section 21(*3*) of the said Act ; and

Whereas the right in the said holding of the said Mr..... has been allotted to you under section 21 (*4*) of the said Act after recovering the value of the said holding from you ;

Now, this is to certify that the said holding has been transferred to you, Mr.....resident of village....., taluka....., district....., in consideration for value received.

Schedule.

S. No. and name of field, if any.	Hissa No.	Area.	Assessment.	Tenure.	Encumbrances and restrictions on rights, if any.

In witness whereof the Consolidation Officer has hereto set his hand and the seal of his office this.....day of..... 19.....

Seal.

Consolidation Officer.